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November 14, 2011

Chief George Turner
Atlanta Police Department
226 Peachtree Street, S.W.
Atlanta, Georgia 30303

RE: Complaint of Michael Morrison, Case #11-41

Dear Chief Turner:

The Atlanta Citizen Review Board ("ACRB") completed its investigation and adjudication of the complaint filed by Michael Morrison alleging abusive language.

Mr. Morrison filed a timely complaint which alleged that on July 2, 2011, at approximately 12:30 a.m., he was driving in the vicinity of 4225 Roswell Road when he was stopped by Atlanta Police Officer Charles Sendling. Officer Sendling was operating a DUI marked patrol car. Mr. Morrison stated that at the time of the stop, his wife Sophia Hogberg and friend Jay Nault were passengers in his vehicle.

According to Mr. Morrison, Officer Sendling approached the driver's side of his vehicle and asked him if he had been drinking; he responded no. He said the officer then asked him to produce his driver's license and he complied. Mr. Morrison said the officer went back to his patrol car, returned a short time later and told him that if he pleads guilty, he would indicate on the citation that he was driving at a lesser speed. Mr. Morrison said he told Officer Sendling he was not going to plead guilty to anything because he did not feel he was speeding and if he wanted to write him a ticket for a greater speed then he should do so. Mr. Morrison said Officer Sendling began yelling and screaming profanities at him and he also noticed that the officer was sweating. He said at some point during the conversation, he asked Officer Sendling to make a notation on the citation that he was in a cluster of cars when he recorded him on the lidar. He said Officer Sendling got angrier and said, "Why do you f_ _ king need this?" Morrison said he told Officer Sendling he was going to use it as a defense against the lidar. He said Officer Sendling, still very angry, told him that the lidar is never wrong and never in his 18 years of being a police officer had he seen a lidar ticket dismissed. Mr. Morrison said he told Officer Sendling that he did not want to argue with him, he only wants him to accurately and truthfully record what he observed. He said Officer Sendling said to him that he was not going to put that information on the ticket and continued to yell that he was going to write him up for a higher speed. Morrison said at that point, he responded okay, just give me the ticket. He said Officer Sendling then walked back to his patrol car to write the citation; he remained in his vehicle.

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According to Mr. Morrison, approximately three minutes later, Officer Sendling yelled to him to get out of his vehicle and walk towards the patrol car. Mr. Morrison said at this point, he became very frightened and told his wife to call their family attorney because he did not know what was going to happen. He said he did as the officer instructed and walked over to the patrol car. He said Officer Sendling resumed yelling and screaming at him about his previous request for a notation on the citation. Mr. Morrison said he was afraid because Officer Sendling was sweating and yelling; so, he just agreed with everything he said. He said Officer Sendling repeatedly kept saying to him, "Why do you f__king need this?" and "I've been a f__king cop for 18 years and you can't f__king fight this." He said he told Officer Sendling to calm down and that this was not a situation to be angry about. He said at that point, out of fear, he just agreed with everything Officer Sendling said in an effort to diffuse the situation. He said eventually, he was given the citation. Afterward, he walked back to his vehicle and the officer drove off before he did. Mr. Morrison said the stop lasted approximately 15 minutes.

Officer Sendling is assigned to the DUI Task Force within the Special Operations Section of the Community Services Division. According to APD.SOP.4040, Section 4.5.1., "Video Camera Procedures", it is the policy of the DUI Task Force to document all traffic stops using City-issued video cameras installed in team vehicles. Therefore, based on this information, the ACRB contacted Major Lane Hagin, Commander of the Community Services Division to obtain the video footage from Officer Sendling's patrol car as it relates to this incident. Sergeant Frank Schimmel, Supervisor of the DUI Task Force, responded and advised that Officer Sendling's assigned vehicle was involved in an accident on June 23, 2011 and as a result, the in-car video (ICV) system became inoperable and there is no video footage of the traffic stop. Sergeant Schimmel provided documentation of the accident, i.e., the accident report, the damage estimate report and the police report. It is noted that upon review of the damage estimate report, there is no mention of the ICV system having been damaged.

A review of the traffic citation indicates that Officer Sendling cited Mr. Morrison for speeding; driving 54 mph in a 35 mph zone. Furthermore, according to what is shown on the citation, it is indicated that the laser was calibrated at 49 mph in a 35 mph zone which is 14 mph above the posted speed limit. According to the Atlanta Municipal Court records, on August 4, 2011, Mr. Morrison's case was dismissed per Solicitor's Pre-Trial Intervention-Traffic Program (PTIT). During his interview, Mr. Morrison provided a copy of the receipt showing that he paid a fee of \$100.00 for entering into the PTIT program.

During the course of the investigation, interviews were conducted with Mr. Morrison's wife, Sophia Hogberg and friend Jay Nault. Although they could not recall the specific details of the conversation between Officer Sendling and Mr. Morrison, they both recalled that Officer Sendling used the *F word* several times during the encounter.

The ACRB also conducted an interview with Officer Sendling concerning Mr. Morrison's allegations. Officer Sendling denies the allegations and maintains that he was professional at all times during the stop.

As the investigation continued, the ACRB reviewed Officer Sendling's OPS disciplinary complaint history. According to their records, Officer Sendling has been disciplined in the past for using profanity towards citizens while on duty.

For the above reasons, the Board voted to 'Sustain' the allegation of **Abusive Language** against **Officer Charles Sendling**.

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In light of Officer Sendling's prior disciplinary history, the Board voted to recommend that Officer Sendling receive a Written Reprimand, as well as, training and courtesy counseling.

Please let me know if you will need any further information or would like a copy of the investigation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joy Morrissey", with a stylized flourish at the end.

Joy Morrissey,
Board Chair

cc: Mayor Kasim Reed
Council President Ceasar Mitchell
Members of Atlanta City Council
ACRB Members
ACRB Investigator Sheena Robertson